

Re : Response to Notice of Non-Compliant Amendment Mailed September 22, 2006
Appl. No. : 10/726,797
Filed : December 13, 2003

Claims 1-9, 11-12 and 14-24 are currently pending in the application. The Office Action allowed Claims 12, 14, 19, 20, 23 and 24; rejected Claims 1-9, 11, 15-18, 21 and 22; stated Claims 1 and 21 would be allowable if rewritten or amended to overcome the rejections under 35 U.S.C. § 112, second paragraph, set forth in the Office Action; and stated Claims 2-9, 11, 15-18 and 22 would be allowable if rewritten to overcome the rejections under 35 U.S.C. § 112, second paragraph, set forth in the Office Action and to include all of the limitations of the base claim and any intervening claims.

As set forth above, Applicants amended Claims 1, 17, 20, 21 and 22; and cancelled Claims 15, 16 and 18 without prejudice to place the claims in condition for immediate allowance, or in better form for appeal. Pursuant to 37 C.F.R. § 1.121(f), no new matter is introduced by these amendments or new claims. Applicants believe that Claims 1-9, 11-12, 14, 17 and 19-24 are now in condition for allowance.

Please note that Applicants' remarks are presented in the order in which the issues were raised in the Office Action for the convenience and reference of the Examiner. In addition, Applicants request that the Examiner carefully review any references discussed below to ensure that Applicants' understanding and discussion of the references, if any, is consistent with the Examiner's. Further, the following remarks are not intended to be an exhaustive enumeration of the distinctions between any particular reference and the claimed invention. Rather, the distinctions identified and discussed below are presented solely by way of example to illustrate some of the differences between the claimed invention and that reference.

A. Response to the Section 112, Second Paragraph, Rejection

The Office Action rejected Claims 1-9, 11, 15-18, 21 and 22 under 35 U.S.C. § 112, second

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paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Office Action states for Claims 1 and 21, it is unclear how the L-shaped brackets can be both integrally formed with the plastic table top as well as be separate and distinct from it. The Office Action asks if the separate and distinct members are the angle irons. The Office Action states, if so, what about Claims 4-6 and 22 which positively claim the angle iron member(s)? In addition, the Office Action states for Claims 15 and 16, it is unclear how the bottom portion is different from the base previously claimed.

Applicants respectfully traverse this rejection because Claims 1-9, 11, 15-18, 21 and 22 particularly point out and distinctly claim the subject matter which applicant regards as the invention as set forth in 35 U.S.C. § 112, second paragraph. Nevertheless, in order to place the claims in condition for immediate allowance, or in better form for appeal, Applicants amended Claims 1, 17, 21 and 22; and cancelled Claims 15, 16 and 18 without prejudice.

Claims 1 and 21

Applicants amended Claims 1 and 21 to provide “the pair of generally L-shaped brackets being ~~separate and~~ distinct structures from other portions of the table top, at least a portion of the generally L-shaped brackets being constructed from plastic and being integrally formed with the table top as part of a unitary, one-piece structure.” Thus, Claims 1 and 21 positively recite that the pair of generally L-shaped brackets are distinct structures from other portions of the table top. In addition, Claim 1 positively recites that at least a portion of the generally L-shaped brackets are constructed from plastic and integrally formed with the table top as part of a unitary, one-piece structure.

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This amendment clarifies that the generally L-shaped brackets are distinct structures from other portions of the table top. This amendment also clarifies that the generally L-shaped brackets are constructed from plastic and integrally formed with the table top as part of a unitary, one-piece structure. Therefore, the generally L-shaped brackets are constructed from plastic; integrally formed with the table top as part of a unitary, one-piece structure; and distinct structures from other portions of the table top.

Accordingly, Applicants respectfully request that this Section 112, second paragraph, rejection be withdrawn because Claims 1 and 21 particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Further, Applicants respectfully request that the rejection of Claims 2-9 and 11 also be withdrawn at least because these claims are dependent upon Claim 1.

Claim 17

The Office Action rejected Claim 17 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. The Office Action, however, stated that Claim 17 would be allowable if rewritten to overcome the rejection under Section 112, second paragraph, set forth in the Office Action and to include all of the limitations of the base claim and any intervening claims.

In response, Applicants amended Claim 17 to provide “The table as recited in claim 12, wherein the base includes a hollow interior portion that is integrally formed with the table top as part of a unitary, one-piece construction during the blow-molding process.” Thus, Claim 17 positively recites the base includes a hollow interior portion that is integrally formed with the table top as part

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Appl. No. : 10/726,797
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of a unitary, one-piece construction during the blow-molding process. In addition, Applicants amended Claim 17 to be dependent upon allowed independent Claim 12. Because Applicants clarified Claim 17 to overcome the rejection under Section 112, second paragraph, and amended the claim to depend upon allowed Claim 12, Applicants respectfully request that this rejection be withdrawn.

Claim 22

The Office Action rejected Claim 22 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. The Office Action, however, stated that Claim 22 would be allowable if rewritten to overcome the rejection under Section 112, second paragraph, set forth in the Office Action and to include all of the limitations of the base claim and any intervening claims.

In response, Applicants amended Claim 22 to provide “The table as recited in claim 21, further comprising a generally L-shaped angle iron having a vertical portion and a horizontal portion connected to the generally L-shaped bracket.” Thus, Claim 22 positively recites the table further comprises a generally L-shaped angle iron having a vertical portion and a horizontal portion connected to the generally L-shaped bracket. Because Applicants clarified Claim 22 to overcome the rejection under Section 112, Applicants respectfully request that this rejection be withdrawn.

B. Allowable Subject Matter

The Office Action stated that Claims 12, 14, 19, 20, 23 and 24 were allowed.

The Office Action also stated that Claims 1 and 21 would be allowable if rewritten or

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amended to overcome the rejection(s) under 35 U.S.C. § 112, second paragraph, set forth in the Office Action. As set forth above, Applicants amended Claims 1 and 21 to overcome the Section 112, second paragraph, rejection(s).

Additionally, the Office Action stated that Claims 2-9, 11, 15-18 and 22 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. § 112, second paragraph, set forth in this Office Action and to include all of the limitations of the base claim and any intervening claims. As set forth above, Applicants amended Claims 1 and 21 to overcome the Section 112, second paragraph, rejection. Thus, Claims 1 and 21, along with Claims 2-9 and 11 that are dependent upon amended Claim 1, should now be allowable. Applicants also cancelled Claims 15, 16 and 18, without prejudice, to place the claims in condition for immediate allowance. Further, as set forth above, Applicants amended Claims 17 and 22 to overcome the Section 112, second paragraph, rejection. Consequently, Claims 1-9, 11-12, 14, 17 and 19-24 should now be allowable.

CONCLUSION

In view of the foregoing, Applicants submit that Claims 1-9, 11-12, 14, 17 and 19-24 are in condition for allowance. Accordingly, Applicants request that a Notice of Allowance be promptly issued.

If any further impediments to allowance of this application remain, the Examiner is cordially invited to contact the undersigned by telephone so that these remaining issues may be promptly resolved.


The Commissioner is authorized to charge payment of any additional fees associated with this communication, which have not otherwise been paid, to Deposit Account No. 23-3178. If any

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additional extension of time is required, which have not otherwise been requested, please consider this a petition therefore and charge any additional fees that may be required to Deposit Account No. 23-3178.

Respectfully submitted,

Dated: Oct. 11, 2006

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